

09/533,613

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Fred E. Stanke et al.

Application No.: 09/533,613

Filed: March 22, 2000

For: APPARATUS FOR IMAGING
METROLOGY

Group Art Unit: 2877

Examiner: H.Q. Pham

**SUBSTITUTE RESPONSE TO
RESTRICTION REQUIREMENT
MAILED JUNE 14, 2002**121 Spear Street, Suite 290
San Francisco, CA 94105
(415) 512-1312**FACSIMILE CERTIFICATE**

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the Patent and Trademark Office by using the following facsimile number 703-308-7722 on August 6, 2002

STALLMAN & POLLOCK LLP

Dated: 08/06/2002By: Georgia K. Smith

Georgia K. Smith

Commissioner for Patents
Washington, D.C. 20231

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Sir:

On June 14, 2002, the Examiner issued a Restriction requirement. On July 15, 2002, a response was filed by attorney Kenta Suzue (Reg. No. 45,145).

As evidenced by the enclosed Revocation Of Prior Powers and Appointment Of New Counsel By Assignee, the undersigned counsel has now taken over responsibility for the case. Upon reviewing the matter with the client, it was determined that the more appropriate response to the Restriction requirement would be to elect the invention of Group II, specifically claims 2-4 and 6-9.

Upon making this determination, the undersigned counsel contacted Examiner Pham. Examiner Pham indicated that although he had received the initial response to the Restriction requirement, he had not yet acted upon it. Further, Examiner Pham kindly indicated that he would accept a substitute response if it was promptly submitted. Accordingly, Applicants hereby request that the initial response to the Restriction requirement be withdrawn in its entirety and the following response be substituted. It is noted that this Substitute Response is filed more than

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one month after the initial Office Action, and therefore, authorization to charge our deposit account has been provided to cover a one-month extension of time to respond.

Response to Restriction Requirement

Applicants hereby elect to prosecute the invention of Group II, claims 2-4 and 6-9, without traverse.

All future correspondence should be directed to the undersigned counsel. The undersigned counsel wishes to express his appreciation for the cooperation of the Examiner.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: August 6, 2002

By: 

Michael A. Stallman

Reg. No. 29,444

Attorneys for Applicant(s)

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